

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., *et al.*,

Plaintiffs,

v.

No. 1:25-cv-11913-IT

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH AND HUMAN
SERVICES, *et al.*,

Defendants.

**JOINT MOTION TO STAY FURTHER DISTRICT COURT
PROCEEDINGS PENDING RESOLUTION OF EXPEDITED APPEAL OF THIS
COURT'S PRELIMINARY INJUNCTIONS**

Plaintiffs, Planned Parenthood Federation of America, Inc., *et al.*, and Defendants, Robert F. Kennedy, Jr., *et al.*, (together, “the Parties”), jointly move the Court to stay further district court proceedings pending resolution of Defendants’ appeal of this Court’s July 21, 2025 memorandum opinion and order, ECF No. 62, and its July 28, 2025 memorandum opinion and order, ECF No. 69, to the U.S. Court of Appeals for the First Circuit. As grounds for this joint motion, the Parties state as follows:

1. On July 7, 2025, Plaintiffs filed their Complaint and an Emergency Motion for a Temporary Restraining Order and Preliminary Injunction. *See* ECF Nos. 1, 4, 5.

2. Defendants opposed the motion for a preliminary injunction, *see* ECF No. 53.

3. On July 21, 2025, this Court issued a memorandum opinion and order in which Plaintiffs' motion for a preliminary injunction was granted in part and otherwise remained under advisement. ECF No. 62.

4. The Court issued a separate memorandum and order resolving and granting Plaintiffs' motion on July 28, 2025. ECF No. 69.

5. Defendants appealed both orders, *see* ECF Nos. 63, 75, and moved for a stay pending appeal before the U.S. Court of Appeals for the First Circuit. *See Planned Parenthood Federation of America et al. v. Robert F. Kennedy, Jr. et al.*, Nos. 25-1698, 25-1755.

6. On September 11, 2025, the First Circuit granted Defendants' motion for a stay pending appeal. *See* ECF No. 94.

7. On September 18, 2025, the First Circuit entered an expedited briefing schedule for the merits of the appeal, whereby Defendants will submit their opening merits brief by 5:00 p.m. on September 29, 2025; Plaintiffs will submit their response brief by 5:00 p.m. on October 13, 2025; and Defendants will file any reply brief by 5:00 p.m. seven days after the filing of Plaintiffs' response brief.

8. In light of the expedited briefing schedule entered by the First Circuit, and because the Parties believe that the resolution of the appeal could provide clarity on next steps in the case, for efficiency, the Parties ask this Court to stay further district court proceedings in this case pending resolution of the appeal in the First Circuit.

9. Good cause exists to grant this joint motion.

10. No Party will be prejudiced by this joint motion.

WHEREFORE, the Parties respectfully request that this Motion be allowed and that further

district court proceedings be stayed pending resolution of Defendants' appeal of the preliminary injunctions in the First Circuit.

LOCAL RULE 7.1 CERTIFICATE

Undersigned counsel certifies that counsel have conferred regarding this motion and that it is made jointly with the assent of all Parties as reflected below.

Dated: September 23, 2025

/s/ Alan Schoenfeld

Alan Schoenfeld*

Cassandra A. Mitchell*

Alex W. Miller*

WILMER CUTLER PICKERING

HALE AND DORR LLP

7 World Trade Center

250 Greenwich Street

New York, NY 10007

Tel.: (212) 230-8800

Fax: (212) 230-8888

alan.schoenfeld@wilmerhale.com

cassie.mitchell@wilmerhale.com

alex.miller@wilmerhale.com

Sharon K. Hogue, BBO# 705510

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Tel.: (617) 526-6000

Fax: (617) 526-5000

sharon.hogue@wilmerhale.com

Albinas J. Prizgintas*

WILMER CUTLER PICKERING

HALE AND DORR LLP

2100 Pennsylvania Avenue NW

Washington, DC 20037

Tel.: (202) 663-6000

Fax: (202) 663-6363

Respectfully submitted,

BRETT A. SHUMATE

Assistant Attorney General

Civil Division

YAAKOV M. ROTH

Principal Deputy Assistant Attorney General

Civil Division

ERIC J. HAMILTON

Deputy Assistant Attorney General

Civil Division

EMILY M. HALL

ELIZABETH HEDGES

TIBERIUS DAVIS

Counsel to the Assistant Attorney General

Civil Division

MICHELLE R. BENNETT

Assistant Director

Federal Programs Branch

BRADLEY P. HUMPHREYS

JACOB S. SILER

Trial Attorneys

Federal Programs Branch

/s/ Elisabeth J. Neylan

ELISABETH J. NEYLAN

Trial Attorney (N.Y. Bar Reg. No. 6125736)

Federal Programs Branch

albinas.prizgintas@wilmerhale.com

Emily Nestler*

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.
1110 Vermont Avenue, NW
Washington, D.C. 20005
Tel.: (202) 973-4800
emily.nestler@ppfa.org

Jennifer Sandman*

C. Peyton Humphreville*

Kyla Eastling*

PLANNED PARENTHOOD
FEDERATION OF AMERICA, INC.
123 William Street
New York, NY 10038
Tel.: (212) 441-4363
jennifer.sandman@ppfa.org
peyton.humphreville@ppfa.org
kyla.eastling@ppfa.org

1100 L Street NW

Washington, DC 20005

Phone: (202) 616-3519

Elisabeth.J.Neylan@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2025, the foregoing pleading was filed electronically through the CM/ECF system, which causes all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Elisabeth J. Neylan

Elisabeth J. Neylan

Trial Attorney

United States Department of Justice